REMARKS

Certified Copy

The Examiner has noted that the certified copy of the priority document has been received.

Information Disclosure Statement

The Examiner has indicated the review of the Information Disclosure Statement filed with the case. While the Examiner has indicated that references AF through AI in the Information Disclosure Statement have not been considered as to their merits because they are not provided in English translation, the applicants respectfully note that the Examiner does not need a translation to properly review the drawings in a mechanical case. If the Examiner believes that any of the references show relevant art in the drawings to the extent that he makes a rejection, then a translation will be obtained.

Drawings

The Examiner has noted that the subject matter of the invention should be shown in a drawing. It will be noted that the specification as filed at Page 6, lines 11-12, describes a single figure provided with the filing pages. Also, the filing receipt indicates that a drawing sheet was included. A true copy of the drawing sheet filed with the case is provided with this Office Action Response.

Title

The title has been amended as suggested by the Examiner.

Abstract

The Examiner has required a new abstract and one is provided herewith.

Disclosure Objections

The Examiner has requested the insertion of section headings. A substitute specification that includes the headings as well as paragraph numbering is provided in lieu of a clean copy of the amended paragraphs and claims.

While the Examiner has specifically noted grammatical and/or typographical errors at four specific locations in the specification, the applicant respectfully states that a review of these citations show nothing incorrect, although it is admitted that this specification is translated from

an original German document.

Claim 2 has been amended to make it clear that it is the thickness of the coating and not the stent that is irregular. The applicant submits that this reading of the claim as filed is consistent with usual English grammar, but is also supported in the specification.

Claim 4 has been amended to state that the coating is interrupted in a "patterned configuration." This wording is supported at Page 4, line 32, of the specification.

Claims 8 and 10 have been amended by changing the phrase "mutual spacings" to "spacings."

Claim 13 has been amended to clarify the irregular nature of the coating.

New claims 17 and 18 are introduced. Claim 17 combines limitations from claims 13, 5, 6 and 8 while Claim 18 combines limitations from claims 13, 5, 6 and 9.

Section 102 Rejections

Claims 2-7 and 11-14 are rejected as being anticipated by Callol (EP 0824900) ("Callol '900"). The coatings taught in Callol '900 are a discontinuous coating that is intended to make the stent radiopaque and a continuous coating that is intended to cover the radiopaque coating and to protect the stent and improve blood- and bio-compatibility. While Callol '900 admittedly discloses placing radiopaque dots (Col. 7, line 10), Callol '900 does not anticipate any placement of coating islands that have any particular relationship to the stretching regions of the stent. This position is bolstered by the fact that the placement of radiopacity dots is not at all related to stretching issues and potential loss of coating on the stent caused by stretching. In short, the placement of the radiopacity dots is purely fortuitous.

Claim 13 is not anticipated by Callol '900 because the discontinuous radiopaque layer is itself coated with a continuous coating, so there is no irregularly formed coating.

For effectively the same reasons that the Examiner did not reject claims 15 and 16 as being antcipated by Callol '900, new independent claims 17 and 18 are similarly not anticipated, and should be considered allowable.

Claims 2-11 and 13-16 are rejected as being anticipated by Yan (US 5,843,172) ("Yan '172"). The Examiner cites Fig. 5 as showing "a biocompatible and irregularly formed grid-like surface coating having locations where the coating is missing completely." This is simply not true. What Figure 5 shows a stent formed from "woven or twined" wire fibers.Col. 6, lines 52-53. There is no mention of any coating discontinuity on the "stent surface," but instead shows a discontinuous stent surface. Similarly, the Examiner would apparently read the pores 94 of a

sintered metal material as providing a "coating" that is "irregularly formed" on the "stent surface." Pores are not, by any means, "coating islands." And, the Examiner would also reject claims 8 and 15 by relying not on surface features, but by relying on the internal pores (Fig. 12 is a sectional view). Also, the pores in a sintered metal are random and are not in any sort of intentional pattern. For these reasons, Claim 13 and its dependent claims are all allowable, since Yan '172 an iregular surface, which is coated with a continuous coating of medication. New Claims 17 and 18 are similarly distinguished from Yan '172.

Section 103 Rejections

Claim 12 is rejected as being obvious over the combination of Yan '172 in view of Callol '900. First, the applicant notesthat this is an interesting combination, because John Y. Yan, the first-named inventor in the Yan '172 patent is apparently the second-named inventor in the Callol '900 application. The limitation of claim 12 that is missing from Yan '172 that is found in Callol '900 is the useof gold as a coating material. If the Examiner is correct that Callol '900 teaches that gold is useful as a coating due to its resistance to cracking during deployment, then that fact would have clearly been known to Yan when the '172 patent was filed, since he was a co-inventor on Callol '900. Failure to teach it is proof that Yan '172 did not consider it relevant.

More importantly, the reason why Yan '172 does not mention gold is because Yan '172 is directed to a porous medicated stent. Yan '172 wants to provide pores to temporarily retain medication, so that it will be readily dispersed once the stent is deployed. This is exactly the opposite intention of Callol '900, where the radiopaque dots are intended to be kept on the stent surface. In fact, Callol '900 teaches uses a coating to hold the radiopaque dots in place. This is the reason why Yan '172 does not mention gold.

The present invention, and particularly claim 12, is not obvious over the combination of Yan '172 and Callol '900, and should be allowed. Likewise, independent claims 17 and 18 are also allowable.

Respectfully submitted,

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